

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JUAN ARIAS RAMIREZ,)	
)	
Plaintiff,)	
)	No. 4:22-CV-1077 RLW
v.)	
)	
COCA COLA OF NORTH AMERICA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The matter is before the Court on Plaintiff Juan Arias Ramirez’s response to the Court’s Order to Show Cause. (ECF No. 32). The Court has reviewed Plaintiff’s response, and for the reasons that follow, it will allow him to file a response in opposition to Defendant The Coca-Cola Company’s Motion to Dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure Rule 12(b)(6).¹

Background

Plaintiff Michael Williams brings this suit against The Coca-Cola Company (“Defendant” or “Coca-Cola”) pursuant to 42 U.S.C. § 1981 alleging employment discrimination based on race. Plaintiff, who is proceeding in this matter pro se without the assistance of counsel, filed an Amended Complaint using the district’s form complaint. On December 2, 2022, Coca-Cola filed a motion to dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). (ECF No. 27). Plaintiff did not respond to Defendant’s Motion to Dismiss in a timely manner, and on January 9, 2023, the Court issued an Order to Show Cause. (ECF No. 30). Plaintiff was ordered to show

¹Defendant is identified in the caption of Plaintiff’s Amended Complaint as “Coca Cola Company of North America.” (ECF No. 20 at 1). In its Motion to Dismiss, the defendant states that its proper name is The Coca-Cola Company.

cause, in writing before January 31, 2023, why he failed to respond to Defendant's Motion to Dismiss his Amended Complaint.

On January 20, 2023, Plaintiff filed a response to the Court's Order to Show Cause.² (ECF No. 32). Plaintiff states in his response that he does not have legal training and was unaware of the "timeline" and the "necessity" of filing a response to a motion to dismiss. (*Id.* at 1). Plaintiff asks that he be allowed to file a response memorandum in opposition to Defendant's Motion.

Although Plaintiff is representing himself without the assistance of counsel, he is not excused from complying with the Court's orders, the Federal Rules of Civil Procedure, and applicable local rules. *See Ackra Direct Mktg. Corp. v. Fingerhut Corp.*, 86 F.3d 852, 856 (8th Cir. 1996); *see also Faretta v. California*, 422 U.S. 806, 934-35 n.46 (1975) (*pro se* litigant must comply with relevant rules of procedure). Rule 4.01 of the Local Rules of the United States District Court for the Eastern District of Missouri provides, "each party opposing a motion . . . must file, within fourteen (14) days after service of the motion, a single memorandum containing any relevant argument and citations to authorities on which the party relies." E.D. Mo. L.R. 4.01(B). When a party cannot meet a deadline, the party must file a motion for leave to file a document out of time. The Court may extend the deadline for good cause shown or because of

²Plaintiff's response to the Court's Order to Show Cause does not comply with Local Rule 2.01, which provides as follows:

All filings, unless otherwise permitted by leave of Court, shall be in 12point or larger font, double spaced, typed or legibly written on 8 ½ by 11-inch pages, and shall contain the signature of the self-represented party Immediately beneath each signature shall appear the self-represented party or party attorney's name, address, telephone number, email address

E.D. Mo. L.R. 2.01. Plaintiff's future filings must comply with this Local Rule or they will be stricken from the record for filing error.


excusable neglect. Fed. R. Civ. P. 6(b).

In this instance, the Court will allow Plaintiff to file his response to Defendant's Motion to Dismiss out of time. The response shall address the arguments Defendant makes in its Motion. In addition, Plaintiff shall familiarize himself with the Local Rules and Federal Rules of Civil Procedure. A copy of the Court's Local Rules can be found on the website for the U.S. District Court Eastern District of Missouri. See <https://www.moed.uscourts.gov/local-rules>. Other resources for self-represented parties can be found on the District's website as well, including links to the Federal Rules of Civil Procedure. In the future, Plaintiff shall comply the Court's orders and the applicable rules of this Court.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Juan Arias Ramirez is **GRANTED** leave to file a response in opposition to Defendant's Motion to Dismiss. Plaintiff shall file his response memorandum, which must comply with Local Rule 2.01 and not exceed 15 pages double spaced, on or before **August 11, 2023**. Defendant shall file its reply, if any, on or before **August 21, 2023**. If Plaintiff fails to comply with the terms of this Memorandum and Order and file a timely response in opposition to Defendant's Motion to Dismiss, the Court will take up Defendant's Motion without a response from Plaintiff.

IT IS FURTHER ORDERED that in all future filings, Plaintiff shall comply with the Court's orders, the Federal Rules of Civil Procedure, and the Local Rules of the Eastern District of Missouri.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 27th day of July, 2023.